

**DOCKET NO. D-1985-036 CP-2**

**DELAWARE RIVER BASIN COMMISSION**

**Pennsylvania Groundwater Protected Area**

**Hatfield Township Municipal Authority  
Wastewater Treatment Plant**

**Hatfield Township, Montgomery County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the Hatfield Township Municipal Authority (HTMA) on December 5, 2011 (Application), for renewal of an existing wastewater treatment plant (WWTP) discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0026247 for this project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on June 1, 2012.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Montgomery County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on July 11, 2012.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew the approval of the existing 8.37 million gallons per day (mgd) HTMA WWTP and its related discharge. The PADEP and DRBC have based effluent limits on a loading associated with an average monthly flow of 6.43 mgd.
- 2. Location.** The existing WWTP will continue to discharge treated effluent to the West Branch Neshaminy Creek at River Mile 115.63 – 40.01 – 4.0 (Delaware River – Neshaminy Creek – West Branch Neshaminy Creek) via Outfall No. 001, within the Commission's designated Groundwater Protected Area (GWPA), in Hatfield Township, Montgomery County, Pennsylvania as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	40° 16' 32.46"	75° 15' 8.8"

**3. Area Served.** The existing WWTP will continue to serve municipal and industrial/commercial customers in Hatfield Township and Hatfield Borough, both located in Montgomery County, Pennsylvania. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

**4. Physical Features.**

**a. Design Criteria.** The docket holder operates an existing 8.37 mgd WWTP. The PADEP and DRBC have based effluent limits at Outfall No. 001 on loadings associated with an average monthly flow of 6.43 mgd.

**b. Facilities.** The existing WWTP consists of screen/grit chamber, two (2) primary clarifiers, two (2) countercurrent aeration tanks, two (2) secondary clarifiers, and an ultraviolet disinfection unit. Sludge is dewatered with centrifuges and incinerated on site.

The project facilities are/aren't located in the 100-year floodplain. The docket holder has flood-proofed the facilities at least one (1) foot above the 100-year flood elevation.

Ash from the incinerator is hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

**c. Water withdrawals.** The potable water supply in the project service area is supplied by the North Penn Water Authority (NPWA). The NPWA withdrawal was approved by the Commission via Docket No. D-92-44 CP-3 on December 7, 2005.

**d. NPDES Permit / DRBC Docket.** NPDES Permit No. PA0026247 was approved by the PADEP on June 1, 2012 and includes final effluent limitations for the project discharge of 6.43 mgd to surface waters classified by the PADEP as a warm water/migratory fishery (WWF/MF). The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit**

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
CBOD5 (5-1 to 10-31)	10 mg/l (85% minimum removal*)	As required by NPDES Permit
(11-1 to 4-30)	20 mg/l (85% minimum removal*)	
Ammonia Nitrogen (5-1 to 10-31)	2.0 mg/l	As required by NPDES Permit
(11-1 to 4-30)	6.0 mg/l	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Total Dissolved Solids*	Monitor & Report **	As required by NPDES Permit

\* DRBC Requirement

\*\* See DECISION Condition II.q.

*The PADEP has required effluent limits or reporting for phosphorous, dissolved oxygen (DO), nitrate-nitrite as nitrogen, total kjeldahl nitrogen (TKN), and chronic toxicity for Outfall No. 001. DRBC does not require monitoring, nor does it place effluent limits on phosphorous, DO, nitrate-nitrite as nitrogen, and TKN outside of Special Protection Waters. Furthermore, the DRBC does not currently have chronic toxicity requirements outside of the Delaware Estuary.*

e. **Cost.** There are no construction costs associated with this renewal project.

f. **Relationship to the Comprehensive Plan.** The 2.5 mgd HTMA WWTP was originally included in the Comprehensive Plan as part of Docket No. D-64-96 CP on January 17, 1965. Docket No. D-74-186 CP continued that approval and approved a re-rate to 3.6 mgd on July 23, 1975. Docket No. D-85-36 CP continued that approval and approved an expansion to 8.37 mgd, but based effluent limits on loadings associated with a 6.43 mgd discharge flow on October 30, 1985. This docket will continue approval of the 8.37 mgd HTMA WWTP, with effluent limits based upon loadings associated with a 6.43 mgd discharge flow, in the Comprehensive Plan.

## B. **BACKGROUND**

Commission staff was notified by PADEP staff in May of 2010 that a centralized waste treatment facility (CWTF) known as PSC Environmental Services, LLC (PSC) was accepting out of basin generated hydraulic fracturing wastewaters from Cabot Oil & Gas (Cabot). It was at that time that the Commission staff first became aware of the existing 0.1 mgd PSC IWTP. The PSC IWTP is located within HTMA's service area and is a pre-treatment facility. A quantity of pre-treated hydraulic fracturing wastewaters were trucked and/or conveyed through the existing HTMA infrastructure to the HTMA WWTP and ultimately discharged through their outfall after being processed at the HTMA WWTP.

On May 4, 2010, HTMA confirmed the acceptance by PSC of natural gas wastewaters (flow-back and production waters from Cabot operations). PSC was advised by Commission staff that the import of wastewater into the basin required Commission approval in accordance with Section 2.30 of the Water Code. PSC was also advised that in accordance with the Executive Director Determination issued on May 19, 2009 (supplemented June 14, 2010 and July 23, 2010), the acceptance of hydraulic fracturing wastewater required the approval from the Commission. Commission staff also advised Cabot and HTMA that the shipment into the basin and acceptance of hydraulic fracturing wastewater for treatment and discharge in the basin required prior Commission approval. PSC, HTMA and Cabot indicated that they would cease the shipment and/or the acceptance of any additional hydraulic fracturing wastewaters.

PSC was directed via a letter from the Executive Director, dated June 1, 2010, to file an application with the Commission since the CWTF's design flow is greater than the Commission's review threshold and the facility diverts wastewater to and from the Basin in accordance with Section 2.3.5A. Subsections 5., 16., and 18. of the Commission's *Rules of Practice and Procedure (RPP)*. Extensions to the original due date were granted to PSC, culminating in the receipt of the Application of this docket in a timely manner. On June 9, 2010

HTMA confirmed to the Commission staff that hydraulic fracturing wastewater would no longer be accepted from PSC and ceased upon receipt of the letter from the DRBC. PSC confirmed that they no longer accepted hydraulic fracturing wastewater from within or outside of the basin as part of their application.

Commission staff met with representatives from PSC and CPS on November 18, 2010 to discuss the application process. PSC confirmed HTMA's statement that since the Commission letter of June 1, 2010, no natural gas wastewaters were accepted at the CWTF. In addition, PSC indicated that it was not going to include the acceptance of wastewaters from natural gas as part of its application to the Commission. PSC was made aware that if in the future they wish to include such wastewaters they would need to apply for and obtain separate Commission approval prior to such activities.

During review of the PSC application, Commission staff deemed it necessary to also renew the existing discharge from the HTMA WWTP since the existing docket did not accurately depict current operations. A letter was sent to HTMA requesting renewal of the existing WWTP and its discharge on September 2, 2011. A renewal application was filed in a timely manner.

In view of the immediate cooperation from all parties Commission staff have decided not to recommend any further action against PSC, HTMA, or Cabot. Issuance of this docket does confirm that the PSC IWTP is part of the existing HTMA WWTP service area.

### C. FINDINGS

The purpose of this docket is to renew the approval of the existing 8.37 mgd HTMA WWTP and its related discharge. The PADEP and DRBC have based effluent limits on a loading associated with an average monthly flow of 6.43 mgd.

At the project site, the West Branch Neshaminy Creek has an estimated seven-day low flow with a recurrence interval of ten years of 0.27 mgd (0.42 cfs). The ratio of this low flow to the design wastewater discharge from the 8.37 mgd HTMA WWTP is 1 to 31.

The nearest surface water intake of record for public water supply downstream of the HTMA WWTP discharge is by Aqua Pennsylvania approximately 34 river miles away.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC.

**D. DECISION**

I. Effective on the approval date for Docket No. D-1985-036 CP-2 below:

a. The project described in Docket No. D-85-36 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1985-036 CP-2; and

b. Docket No. D-85-36 CP is terminated and replaced by Docket No. D-1985-036 CP-2; and

c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Table in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED: July 11, 2012**

**EXPIRATION DATE: May 31, 2017**